

ORIGINAL

FILED  
MAR-5 PM 3:04  
U.S. DISTRICT COURT  
SAN FRANCISCO, CALIFORNIA

DONALD F. ZIMMER, JR. (State Bar No. 112279)  
KRISTA L. COSNER (State Bar No. 213338)  
DRINKER BIDDLE & REATH LLP  
50 Fremont Street, 20<sup>th</sup> Floor  
San Francisco, California 94105  
Telephone: (415) 591-7500  
Facsimile: (415) 591-7510

Attorneys for Defendants  
SMITHKLINE BEECHAM CORPORATION  
GLAXOSMITHKLINE and McKESSON  
CORPORATION

E-filing

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

EMC

CV 08

1297

JERRY KELLUM as personal  
representative of GEORGE L. KELLUM,  
JR. (deceased),

Case No.

NOTICE OF PENDENCY OF OTHER  
ACTION OR PROCEEDING  
[CIV. L.R. 3-13]

Plaintiff,

v.

SMITHKLINE BEECHAM  
CORPORATION dba  
GLAXOSMITHKLINE; and McKESSON  
CORPORATION,

Defendants.

Pursuant to Civil L.R. 3-13, defendants SMITHKLINE BEECHAM  
CORPORATION dba GLAXOSMITHKLINE ("GSK") and McKESSON  
CORPORATION ("McKesson") submit the following Notice of Pendency of Other  
Action or Proceeding:

On October 16, 2007, the Judicial Panel on Multidistrict Litigation ("JPML")  
created MDL 1871, *In re Avandia Marketing, Sales Practices and Products Liability*  
*Litigation*, directing that then-pending Avandia®-related cases be transferred and  
coordinated for pretrial proceedings in the United States District Court for the Eastern  
District of Pennsylvania, before the Honorable Cynthia M. Rufe, pursuant to 28 U.S.C.

§1407. To date, nearly 50 cases have been transferred to MDL 1871, and transfers of additional “tag-along” actions are pending. GSK seeks the transfer of this action to MDL 1871. Pursuant to Civil L.R. 3-13, GSK therefore respectfully requests that this Court stay this action, pending a decision on transfer by the JPML, to achieve judicial economies that underlie 28 U.S.C. Section 1407 (Multi-District Litigation Procedures) and to avoid conflicts, conserve judicial resources, and promote an efficient determination of the action.

Please take note that, in addition to MDL 1871, the following state court actions also allege marketing, sales practice and/or product liability claims against SmithKline Beecham Corporation d/b/a GlaxoSmithKline, related to the use of the prescription drug Avandia:

1. *Barnes, Sydney, Barnes, Sue Ellen v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons only);
2. *Burford, Karen v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons only);
3. *Bosak, Kenneth, Bosak, Patricia v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 000521;
4. *Carrasquillo, Jose v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons only);
5. *Cearley, Travis v. SmithKline Beecham Corporation, GlaxoSmithKline, and SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 003877;
6. *Fabyankovic, Janet v. SmithKline Beecham Corporation, McKesson Corporation and Does 1 through 15*, Superior Court for the State of California, San Francisco County, No. 08-471571;

1           7.     *Farris, Theresa o/b/o Ronald Farris (dec'd) and Ledbetter, Carla o/b/o*  
 2     *Jimmie Ledbetter (dec'd) v. SmithKline Beecham Corp. d/b/a GlaxoSmithKline and*  
 3     *McKesson Corporation*, Superior Court for the State of California, San Francisco County,  
 4     No. 08-471345;

5           8.     *Fisher, Ronald and Fisher, Judith v. SmithKline Beecham Corporation*  
 6     *d/b/a GlaxoSmithKline*, Supreme Court of the State of New York, Erie County, No.  
 7     12008-001869;

8           9.     *Fowler, Charles v. SmithKline Beecham Corporation d/b/a*  
 9     *GlaxoSmithKline, McKesson Pharmacy Systems, and Does One through Fifteen,*  
 10    *inclusive*, Superior Court of the State of California, San Francisco County, No. 08-  
 11    472715;

12          10.    *Garcia, Yolanda v. SmithKline Beecham Corporation d/b/a*  
 13    *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 001967;

14          11.    *Hall, Charles, Hall Susan v. SmithKline Beecham Corporation d/b/a*  
 15    *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 002712;

16          12.    *Hunter, Raymond v. GlaxoSmithKline, SmithKline Beecham Corporation,*  
 17    *and GlaxoSmithKline PLC*, Court of Common Pleas, Philadelphia County, No. 000574;

18          13.    *Kelly, Joseph v. SmithKline Beecham Corporation, GlaxoSmithKline, and*  
 19    *SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Supreme Court of the State of  
 20    New York, Erie County, No. 12007-11066;

21          14.    *Kozar, Agnes, Kozar, Francis A. (Estate of) v. GlaxoSmithKline, PLC,*  
 22    Court of Common Pleas, Philadelphia County, No. 004897;

23          15.    *Larson, Paul, Larson Mary (Estate of) v. GlaxoSmithKline, PLC, et al.,*  
 24    Marion County Superior Court, State of Indiana, No. 49D050712 CT 054365

25          16.    *Lloyd, Linda, Lloyd, Michael (Estate of) v. SmithKline Beecham*  
 26    *Corporation d/b/a GlaxoSmithKline*, Third Judicial Circuit, Salt Lake County, Utah, Case  
 27    No. 070913924;

28          17.    *Massey, Barbara v. SmithKline Beecham Corporation d/b/a*



1 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons  
2 only);

3 18. *McClure, Benjamin, McClure, Susan v. SmithKline Beecham Corp. d/b/a*  
4 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 004431;

5 19. *Meneese, Leola; Meneese, Sharon v. SmithKline Beecham Corporation*  
6 *d/b/a GlaxoSmithKline, McKesson Pharmacy Systems, and Does one through Fifteen,*  
7 Superior Court of the State of California, San Francisco County, No. 08-472716;

8 20. *Mitchell, F.C., et al. v. GlaxoSmithKline Corporation, McKesson*  
9 *Corporation and Does 1-50*, California Superior Court, Sacramento County, No. 34-  
10 2008-00000449-CU-PO-GDS;

11 21. *Parks, Josephine v. SmithKline Beecham Corporation, et al.*, Court of  
12 Common Pleas, Philadelphia County, No. 001670;

13 22. *Perrenot, Preston v. SmithKline Beecham Corporation d/b/a*  
14 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 002454;

15 23. *Pruitt, Carolyn et al v. SmithKline Beecham Corporation d/b/a*  
16 *GlaxoSmithKline and McKesson Corporation*, Superior Court of the State of California,  
17 San Francisco County, No. 08-472503;

18 24. *Self, Joe v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court  
19 of Common Pleas, Philadelphia County, No. 002457;

20 25. *Tartack, Nancy, Tartack, Louis v. SmithKline Beecham Corporation,*  
21 *GlaxoSmithKline, and SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court  
22 of Common Pleas, Philadelphia County, No. 004010;

23 26. *Thomas, Samuel, Thomas Ruth Ann v. SmithKline Beecham Corporation*  
24 *d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 002483;

25 27. *Tuley, Dorothy v. SmithKline Beecham Corporation d/b/a*  
26 *GlaxoSmithKline*, Circuit Court of Cook County, Illinois

27 28. *White, Glenn v. SmithKline Beecham Corp., GlaxoSmithKline, and*  
28 *SmithKline Beecham Corp. d/b/a GlaxoSmithKline*, Court of Common Pleas,

1 Philadelphia County, No. 003674;

2 29. *Wright, Michelle v. SmithKline Beecham Corporation d/b/a*  
3 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons  
4 only); and

5 30. *Yeager, Elizabeth, et al. v. SmithKline Beecham Corporation,*  
6 *GlaxoSmithKline, and SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court  
7 of Common Pleas, Philadelphia County, No. 004055.

8 Dated: March 5, 2008

DRINKER BIDDLE & REATH LLP

9  
10   
11 KRISTA L. COSNER

12 Attorneys for Defendants  
13 SMITHKLINE BEECHAM  
14 CORPORATION dba  
15 GLAXOSMITHKLINE and McKESSON  
16 CORPORATION  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28